

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kenichiro Kosai

Application No.: 10/518,861

Filing Date: 03/21/2005

Title: Method of Selective isolation or Visualization of Target Cells Differentiated from Embryonic Stem Cells or Kit for Visualization

Group Art Unit: 1633

Examiner: Maria Gomez Leavitt

Attorney Dkt. No.: 042-301

STATEMENT THAT APPLICATION WAS UNINTENTIONALLY ABANDONED

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Commissioner:

November 25<sup>th</sup>, 2008

Applicant would like to give notice to the USPTO that the entire delay causing this application to go abandoned was unintentional. As is noted in the response attached herewith, the Examiner did not issue an Advisory Action until after the expiration of the 6 month statutory deadline for Applicant response. Applicant responded to the Final office action within 2 months and believed that response and amendment should have placed the application in condition for allowance. After filing the first response the Applicant waited for either allowance or an Advisory Action. Under the MPEP the Examiner is required to promptly respond to Final Office action responses. Here, the Advisory Action was not even mailed until over 8 months after the Final Office Action was received, 6 months after Applicant submitted his first response, at which point the application was effectively abandoned.

Therefore, the entire delay in filing the response, along with the RCE was unintentional. Applicant submits herewith a Request for Continued Examination, a formal response to the Advisory Action, all fees required for filing the RCE along with the revival fees.

Should the Commissioner have any questions regarding this submission he is invited to contact the undersigned at the phone number or address listed below.

Sincerely,

/Tracy M Heims 53010/

Tracy M Heims

Reg. # 53010

Apex Juris, pllc  
12733 Lake City Way Northeast  
Seattle, WA 98125  
T 206-664-0314 F 206-664-0329  
Email: usa@apexjuris.com